

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRONT ROW FUND I, L.P.,

Plaintiff,

-against-

SAMUEL GROSS et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>6/12/2024</u>

Case No: 23-CV-2255 (JHR) (JLC)

**ORDER AUTHORIZING AND
DIRECTING
NON-PARTY ARLENE ETTORE TO
PRODUCE ANY
AND ALL DOCUMENTS PURSUANT TO
SUBPOENA DUCES TECUM**

AND NOW, this 12 day of June, 2024, upon consideration of the letter motion filed by Plaintiff, Front Row Fund I, L.P. (“Plaintiff”) seeking, *inter alia*, an Order authorizing and directing non-party Arlene Ettore (“Ms. Ettore”), the custodian of archived records of nominal defendant ChoiceWorx, Inc. (“ChoiceWorx”), to produce electronically stored information (“ESI”) in response to a Subpoena served by Plaintiff pursuant to Rule 45 of the Federal Rules of Civil Procedure (the “Subpoena”), and the Court having been informed that Defendant Samuel Gross (“Gross”) does not oppose the relief sought by Plaintiff, and good causing having been shown, it is hereby **ORDERED** and **DECreed** as follows:

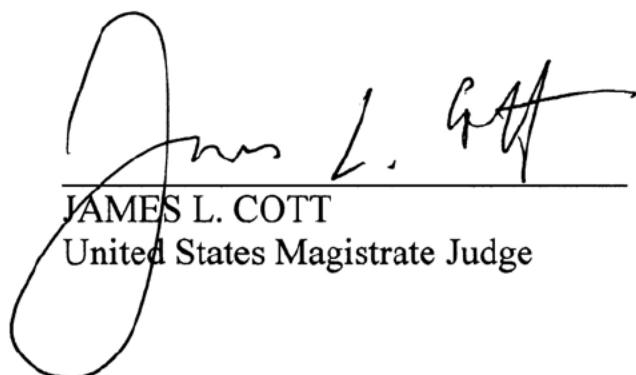
1. Plaintiff’s letter motion is hereby **GRANTED**.
2. Ms. Ettore is hereby authorized and directed to produce to Plaintiff’s counsel, Fox Rothschild LLP, any and all ESI sought pursuant to the Subpoena including, without limitation, any and all emails between Defendant Samuel Gross and non-appearing defendant Hans-Christian Boos (“Boos”), regardless of whether said emails copied any other recipients.
3. Ms. Ettore is hereby authorized and directed to access any email system including, without limitation, the email account used by defendant Samuel Gross during his tenure with

ChoiceWorx, and to permit Plaintiff's counsel and Plaintiff's e-discovery vendor to access, collect and process said ESI;

4. Nothing contained in this Order shall be construed as waiver or forfeiture of any claim of privilege or work product protection by Defendant Gross. If privileged documents or information is inadvertently disclosed, Plaintiff shall, within five business days of learning of the inadvertent disclosure, return or destroy all copies of the inadvertently disclosed information, and provide a certification of counsel that all such information has been returned or destroyed.

SO ORDERED.

Dated: June 12, 2024
New York, NY



JAMES L. COTT
United States Magistrate Judge